

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS INC.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
)	
Defendant.)	

PLAINTIFF ePLUS INC.'S MOTION FOR PERMANENT INJUNCTION

Craig T. Merritt (VSB #20281)
Henry I. Willett, III (VSB #44655)
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
Telephone: (804) 697-4100

Scott L. Robertson (admitted *pro hac vice*)
Jennifer A. Albert (admitted *pro hac vice*)
David M. Young (VSB #35997)
GOODWIN PROCTER LLP
901 New York Avenue, N.W.
Washington, DC 20001
Telephone: (202) 346-4000

Michael G. Strapp (admitted *pro hac vice*)
GOODWIN PROCTER LLP
Exchange Place
53 State Street
Boston, MA 02109-2881
Telephone: (617) 570-1000

Counsel for Plaintiff ePlus Inc.

Pursuant to Federal Rule of Civil Procedure 65 and 35 U.S.C. § 283, Plaintiff *ePlus Inc.* (“*ePlus*”), by counsel, respectfully moves for a permanent injunction against Defendant Lawson Software, Inc.’s (“*Lawson*”) continuing direct and indirect infringement of claims 3, 26, 28, and 29 of United States Patent No. 6,023,683 (or, “the ‘683 Patent”); and claim 1 of United States Patent No. 6,505,172 (or, “the ‘172 Patent”).¹ A jury has now determined that three configurations of Lawson’s accused S3 system infringe the identified claims, and that none of the asserted claims are invalid under any theory asserted by Lawson.

Under the facts of this case, a permanent injunction is clearly warranted and necessary pursuant to the four factor test set forth in *eBay, Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006). In order to prevent continued irreparable harm to *ePlus*, the Court should enter a permanent injunction against direct or indirect infringement via the following:

- (a). Defendant’s Core S3 Procurement System (Lawson System Foundation (“LSF”)/Process Flow, in combination with Inventory Control, Requisition, and Purchase Order Modules) and Requisition Self-Service or “RSS;”
- (b). Defendant’s Core S3 Procurement System (Lawson System Foundation (“LSF”)/Process Flow, in combination with Inventory Control, Requisition, and Purchase Order Modules), Requisition Self-Service or “RSS,” and Punchout;
- (c). Defendant’s Core S3 Procurement System (Lawson System Foundation (“LSF”)/Process Flow, in combination with Inventory Control, Requisition, and Purchase Order Modules), Requisition Self-Service or “RSS,” Punchout, and Electronic Data Interchange or “EDI;” and
- (d). pursuant to the parties’ Stipulation With Respect To M3 Infringement, as set forth in the Revised Amended Final Pretrial Order (Dkt. No. 481) at Section II, because *ePlus* proved that the aforementioned configurations of Lawson’s S3 Procurement System infringe claims 3, 26, 28, and 29 of the

¹ To the extent that the Court determines after considering *ePlus*’s Rule 50(b) Motion for Judgment as a Matter of Law that Defendant has also infringed U.S. Patent No. 6,055,516 (“the ‘516 Patent”), *ePlus* also requests that Defendant be enjoined from its continued infringement of the ‘516 patent.

'683 Patent, and claim 1 of the '172 Patent, both directly and indirectly, ePlus also proved that Lawson's M3 e-Procurement Software infringes claims 3, 26, 28, and 29 of the '683 Patent, and claim 1 of the '172 Patent, both directly and indirectly.

The grounds for this motion are set forth in detail in the accompanying brief in support. ePlus also has filed a proposed Order, and proposed Findings of Fact and Conclusions of Law, contemporaneously with this motion.

Respectfully submitted,

March 28, 2011

/s/

David M. Young (VSB #35997)
Scott L. Robertson (*admitted pro hac vice*)
Jennifer A. Albert (*admitted pro hac vice*)
Counsel for Plaintiff ePlus Inc.
GOODWIN PROCTER LLP
901 New York Avenue, N.W.
Washington, DC 20001
Telephone: (202) 346-4000
Facsimile: (202) 346-4444
dyoung@goodwinprocter.com
srobertson@goodwinprocter.com
jalbert@goodwinprocter.com

Craig T. Merritt (VSB #20281)
Henry I. Willett, III (VSB #44655)
Counsel for Plaintiff ePlus Inc.
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
Telephone: (804) 697-4100
Facsimile: (804) 697-4112
cmerritt@cblaw.com

Michael G. Strapp (*admitted pro hac vice*)
GOODWIN PROCTER LLP
Exchange Place
53 State Street
Boston, MA 02109-2881
Telephone: (617) 570-1000
Facsimile: (617) 523-1231
mstrapp@goodwinprocter.com

Attorneys for Plaintiff ePlus Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of March, 2011, I will electronically file the foregoing

PLAINTIFF ePLUS INC.'S MOTION FOR PERMANENT INJUNCTION

with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) via email to the following:

Daniel McDonald, *pro hac vice*
William D. Schultz, *pro hac vice*
Rachel C. Hughey, *pro hac vice*
Andrew Lagatta, *pro hac vice*

MERCHANT & GOULD

3200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

Telephone: (612) 332-5300

Facsimile: 612) 332-9081

lawsonservice@merchantgould.com

Counsel for Defendant Lawson Software, Inc.

Robert A. Angle, VSB#37691

Dabney J. Carr, IV, VSB #28679

TROUTMAN SANDERS LLP

P.O. Box 1122

Richmond, Virginia 23218-1122

(804) 697-1238

(804) 698-5119 (Fax)

robert.angle@troutmansanders.com

dabney.carr@troutmansanders.com

Counsel for Defendant Lawson Software, Inc.

/s/

David M. Young (VSB #35997)

GOODWIN PROCTER LLP

901 New York Avenue, N.W.

Washington, DC 20001

Telephone: (202) 346-4000

Facsimile: (202) 346-4444

dyoung@goodwinprocter.com